

## **JUDGE'S PROCEDURAL RULES AND POLICIES**

Workers' Compensation Automation and Integration System (WCAIS) is the official repository for all documents related to a Dispute (matter pending) before a Workers' Compensation Judge. All documents, including evidence and briefs, that would have been submitted to a Workers' Compensation Judge by mail or in person prior to WCAIS should now be uploaded into WCAIS. If Social Security numbers appear on any such document, they should be completely redacted before the document is uploaded, unless otherwise specified below. All communications with the Judge, including but not limited to requests, should be submitted through WCAIS unless otherwise specified by the Judge.

## **HEARING PROCEDURES**

### **1. What is the first event and what will occur?**

At the first hearing, parties can submit evidence. Time will be allotted for the virtual testimony of the Claimant. If the parties wish to have any in-person testimony at a future hearing, the request can be made at the time of the first hearing.

#### **a. List any documents required at the first event:**

First hearing filings are not required.

#### **b. Should documents be uploaded as Exhibits or Letters to the Judge?**

First hearing statements are not exhibits and should be uploaded as a document in a letter to the Judge. All evidence in the case should be uploaded as an exhibit.

### **2. Describe the format of your hearings (e.g., serial, one day – one trial).**

I use the serial hearings format. The first hearing is scheduled for 30 minutes. Time is allotted for Claimant's testimony only. Exhibits are accepted.

Subsequent hearings are considered status hearings. Claimant's testimony may be updated at a status hearing if it is less than 10 minutes. If a party wishes to take testimony of a witness at a status hearing, they should notify the Judges office via WCAIS prior to the issuance of a hearing notice. Additional time cannot be allotted if the status hearing is already scheduled. A WCAIS request to present witness testimony should indicate the length of time needed for the hearing.

### **3. Are you willing to change the hearing format upon request?**

No

### **4. What factors will you consider in deciding whether to conduct a hearing in-person?**

A request for an in-person hearing will be decided on a case by case basis. Parties should be prepared to discuss the specific need to have an in-person hearing versus virtual i.e. viewing a scar, participant's lack of access to video (this will be verified on the record), credibility issues in the case and health concerns.

**5. What factors will you consider in deciding whether to conduct a virtual hearing by audio only or by audio with video?**

Attorneys must participate via audio with video unless there are special circumstances. All other participants should attempt to participate by audio with video unless it is unavailable to them. If a participant has a smart phone, attorneys should instruct them on how to participate with audio with video in Teams PRIOR to the time of the hearing.

**6. What procedure do you follow if a party fails to appear at a hearing?**

I will attempt to contact the party at the time of the hearing. If I cannot reach the party or they are unable to attend on that day, I will schedule a follow up hearing as soon as possible.

**7. Do you have special procedures for psychological injury cases?**

No

**SUPERSEDEAS PROCEDURES**

**1. What are your procedures for supersedeas hearings?**

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**a. Will testimony be heard?**

Only Claimant's testimony will be taken at the initial hearing.

**b. Is additional time generally granted to obtain medical evidence?**

Yes-an additional 14 days to submit evidence will be granted upon request.

**c. Under what circumstances will you reconsider a supersedeas order?**

If significant additional evidence becomes available during the litigation, I will reconsider the supersedeas request.

**d. Do you generally use written orders for denials?**

Yes

**e. What is required for employee's counsel to obtain interim fee approval?**

Fee Agreement.

**f. Describe any other procedures for supersedeas hearings:**

None.

**g. Describe procedures for special supersedeas hearings, if different:**

None.

**WITNESSES/EXHIBITS**

**1. What are your rules regarding taking testimony?**

Claimant should be prepared to testify virtually at the first hearing.

**2. Do you require testimony at a virtual hearing, an in-person hearing, or by deposition?**

Claimant's testimony will be taken virtually at the first hearing. All future testimony will be done virtually or by deposition. Any request for live testimony will be discussed by the Judge and the parties at the first hearing.

**3. Under what circumstances will you change your requirements for presentation of testimony?**

Upon request of a party.

**4. If counsel wishes to present the testimony of a witness (either virtually or in-person), do you require prior notice? Yes. If yes, how much notice do you require?** No testimony of a witness other than the Claimant will be taken without 7 days notice to the Judge and all parties. If a hearing notice has been already issued, no additional time can be allotted. If the testimony will take less than 15 minutes, it may be presented at a status hearing if sufficient notice was provided to the Judge and all parties.

**5. What is your procedure regarding the order of expert medical testimony when cross petitions are filed?**

The initial moving party will generally be required to take their expert testimony first. However, the order of evidence will be discussed at the first hearing.

**6. Do the parties need to upload the Bureau and WCOA documents as exhibits or will you admit them electronically as Judge exhibits?**

Parties should upload any necessary Bureau/WCOA documents.

**7. Do you require counsel to upload exhibits to WCAIS before or after the hearing? Before**

**If before, how far in advance of the hearing must they be uploaded?** Exhibits may be uploaded on the day of the hearing. However, if the opposing counsel does not have sufficient time to review an exhibit that was just uploaded before the time of the hearing, use of the exhibit will be prohibited until the next hearing.

**8. When will you rule on objections to exhibits?**

Rulings on objections will be made at the time of the hearing.

**9. What is your procedure for handling discovery disputes?** Telephone conferences are preferred.

**10. What is the last day to file written preservations of deposition objections?**

Written objections and any response can be submitted until the close of the record.

**COMPROMISE & RELEASES (C&Rs)**

**1. Describe your procedures regarding the review of C&R Agreements:**

I will review uploaded and fully executed C&R Agreements prior to the hearing. I will mark and admit them if they are sufficient. If any modifications need to be made, I will email all counsel with the necessary changes.

**a. Are you willing to allow amendments of existing petitions or do you require the filing of a separate Petition Seeking Approval of a C&R Agreement?**

Amendments are permitted.

**b. Are parties required to provide a draft of the C&R Agreement before the hearing? If yes, how far in advance of the hearing do you need to receive it?**

Drafts are not required.

**c. Should the parties upload the signed C&R Agreement, including the fee agreement and any other attachments, before or after the hearing?**

All C&R exhibits should be uploaded to WCAIS before the hearing.

**d. Should child support documents be uploaded as a separate exhibit?**

Yes

**e. Should Social Security numbers and other confidential information be redacted from the C&R Agreement and Act 109 documents?**

Social Security numbers must be redacted.

**f. Will you sign bench orders?**

NO

**g. Describe any other procedures you have for C&R Agreements:**

None.

**STIPULATIONS RESOLVING DISPUTES**

**1. What are your usual procedures regarding the submission, review, and adoption of stipulations?**

A fully executed stipulation should be uploaded to WCAIS as an exhibit. Counsel should then make a request via WCAIS for a decision to be issued based upon the stipulation.

**2. Should the fee agreement be part of the stipulation or separate exhibit?**

Separate

**3. Should child support documents be uploaded as a separate exhibit?**

Yes

**4. What other exhibits should be uploaded (i.e. medical bills, etc.)?**

Only if the parties think they are necessary.

**5. Should other exhibits uploaded as be part of the stipulation or as separate exhibits?**

Either.

**6. When should Social Security numbers and other confidential information be redacted from the stipulation and Act 109 documents?**

Social Security numbers should be redacted before they are uploaded to WCAIS.

**7. Describe any other procedures you have for stipulations:**

Click or tap here to enter text.

**BRIEFS AND PROPOSED FINDINGS**

**1. Will you close a case via WCAIS submission or is a final hearing required?**

A final hearing is not required.

**2. What are the time requirements for final submissions and what procedures are taken when time requirements are not met?**

Findings are generally required 30-45 days from the date of the final hearing. However, specific dates will be discussed at the final hearing.

**3. Describe any preferences regarding the format and content of final submissions:**

I prefer findings.

**MANDATORY MEDIATIONS**

**1. List the offices where you conduct mandatory mediations:**

Washington

**2. What factors will you consider in deciding whether to conduct a mandatory mediation virtually or in-person?**

All mediations are currently virtual.

**3. What factors will you consider in deciding whether to conduct a virtual mandatory mediation by audio only or by audio with video?**

Click or tap here to enter text.

All parties should participate in TEAMS with video.

**4. Are you willing to allow counsel or a party to participate virtually in an in-person mandatory mediation? If so, under what circumstances?**

N/A

**5. Do you require a Mediation Statement? Yes If yes:**

**a. What information do you require in that Statement?**

No specific requirements but parties should include any information they feel will be helpful.

**b. What documents, if any, must accompany the Statement?** Statement of Wages if not already in WCAIS. Any outstanding liens.

**c. How far in advance of the mediation must the parties submit the Statement and accompanying documents?**

24 hours before the mediation is preferred.

**6. If there is a request to postpone a mandatory mediation, will it be rescheduled? Yes If so, how long until it is rescheduled?** 4-6 weeks depending on the Judge's available mediation slots.

**7. Are you willing to conduct more than one mandatory mediation session per Dispute?**

Yes

**8. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?**

Same day is permitted.

**9. What else should the parties know or do before the mediation?**

There should be a demand before the mediation.

### **VOLUNTARY MEDIATIONS**

**1. Do you conduct Voluntary Mediations? Yes**

**2. How should the parties request a Voluntary Mediation? WCAIS**

**3. List the locations where you conduct in-person voluntary mediations: Washington**

**4. Will you conduct virtual voluntary mediations? If yes, for which WCOA Districts will you conduct them?**

All mediations are virtual at this time.

**5. Do you mediate Disputes assigned to you for hearing and decision? No.**

**6. Do you mediate Disputes in which one or both parties are unrepresented? If yes, describe any special procedures you have for such cases:**

No.

**7. What factors will you consider in deciding whether to conduct a voluntary mediation virtually or in-person?**

N/A

**8. What factors will you consider in deciding whether to conduct a virtual voluntary mediation by audio only or by audio with video?**

All mediations are done via TEAMS with video.

**9. Are you willing to allow counsel or a party to participate virtually in an in-person voluntary mediation? If so, under what circumstances?**

N/A

**10. Do you require a Mediation Statement? Yes If yes:**

**a. What information do you require in that Statement?**

Same as a Mandatory mediation.

**b. What documents, if any, must accompany the Statement?**

None.

**c. How far in advance of the mediation must the parties submit the Statement and accompanying documents?**

24 hours is preferred.

**11. After you approve a Voluntary Mediation Request, how long until it is scheduled?**

4 -6 weeks depending on the available mediation slots.

**12. Are you willing to conduct more than one voluntary mediation session per Dispute?**

Yes

**13. If the party wants to request cancellation or postponement of a voluntary mediation on a Dispute assigned to you, should they contact you or the mediating Judge?**

Either is acceptable.

**14. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?**

At least 24 hours before is preferred.

**15. What else should the parties know or do before the mediation?**

A demand should be made prior to the time of the mediation.

**REQUESTS/MISCELLANEOUS**

**1. How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?**

24 hours is preferred.

**2. Under what circumstances do you conduct off the record conference calls?**

By request of the parties.

**3. Under what conditions/circumstances do you accept e-mails from parties?**

None. I prefer not to be contacted by email unless I initiate the email. All counsel must be copied on any emails.

**4. Do you adhere strictly to the duration listed for a Hearing or Mediation?**

Yes

**5. What is the best way to contact you in an emergency situation?**

Via my assistant or WCAIS

**6. What is your snow/emergency cancellation policy regarding in-person and virtual events (i.e., do you follow a specific school district closing schedule, etc.)?**

There is no reason to delay/cancel a virtual event and they will be held at the scheduled time. In person events follow the Pittsburgh School delay/closing policies.